

Masters in Trial[®]

A Trial Demonstration from Opening Statements through Jury Deliberation



WHEN

Friday, July 17, 2015

WHERE

Marriott Harbor Beach Resort & Spa
3030 Holiday Drive
Fort Lauderdale, FL 33316

BENEFITS OF ATTENDING:

- Watch the "best of the best" trial lawyers doing what they do best
- Observe effective and proven techniques to use in direct and cross examination of lay and expert witnesses
- See real time jury deliberation LIVE on screen in the seminar room

Come to the FLABOTA Annual Conference!

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The Florida Chapters
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For their leadership in planning this Masters in Trial, our appreciation goes out to

Thomas D. Masterson, Masterson, Hoag and Smith, St. Petersburg, FL **Joseph E. Brooks**, Brooks Law, Tallahassee, FL
and **William R. Clayton**, Greenburg Traurig, P.A., Fort Lauderdale, FL

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Scope and Purpose

The American Board of Trial Advocates, an organization with more than 7,300 of the best trial lawyers in America, is dedicated to the preservation of the right to trial by jury guaranteed by the 7th Amendment.

Educating lawyers in the art of trial advocacy is a primary goal of the Foundation of the American Board of Trial Advocates. The **Masters in Trial®** shows how some of the most successful trial lawyers in the country conduct a trial – without war stories. All of the trial team counsel are ABOTA members and are well-known and highly respected in their fields. The mock trial demonstration is presented before a real judge and jury, complete with witnesses, experts and electronic courtroom visuals. The jury will render a verdict with jury deliberations shown on-screen in the courtroom.

Masters in Trial® is a Skills Program

Whether you are a novice or seasoned trial lawyer, plaintiff or defense counsel, no matter what area of law you practice, this program will assist you in your next trial and trials thereafter. Come and observe the best of the best trial lawyers as they demonstrate effective methods of opening, presenting lay and expert witnesses, and powerful closing arguments.

CLE Credit

The Foundation of the American Board of Trial Advocates has requested of the Florida Bar CLER Department that this program be approved for **8 general credit hours** and **1 hour ethics credit**.

Speakers (subject to change)

Presiding Judge

The Hon. Patricia A. Seitz
Southern District of Florida
Miami, FL

Ethics Speaker

Lewis R. Sifford
Sifford, Anderson & Co., PC
Dallas, TX

Trial Coordinators

Joseph E. Brooks
Brooks Law
Tallahassee, FL

Thomas D. Masterson
Masterson, Hoag & Smith, PA
St. Petersburg, FL

William R. Clayton
Greenberg Traurig, PA
Fort Lauderdale, FL

Plaintiff's Team

Mark A. Avera
Avera & Smith, LLP
Gainesville, FL

Gary D. Fox
Stewart, Tilghman, Fox,
Bianchi & Cain, P.A.
Miami, FL

Eugene K. Pettis
Haliczer, Pettis & Swamm
Fort Lauderdale, FL

Gerald F. Richman
Richman Greer P.A.
West Palm Beach, FL

Herman J. Russomanno
Russomanno & Borrello, P.A.
Miami, FL

Diana Santa Maria
Law Offices of Diana Santa Maria
Fort Lauderdale, FL

Defense Team

Adele Blackmore
Nicholas J. Ryan and Associates
Fort Lauderdale, FL

Thomas E. Dukes
McEwan, Martinez & Dukes, PA
Orlando, FL

Jeff M. Goodis
Goodis Thompson & Miller
St. Petersburg, FL

Dennis R. O'Connor
O'Connor & O'Connor, LLC
Winter Park, FL

Francis E. Pierce
Mateer & Harbert, P.A.
Orlando, FL

John H. Richards
Boyd Richards et. al.
Fort Lauderdale, FL

FLABOTA President

Robert C. Palmer, III
Wade, Palmer & Shoemaker, PA
Pensacola, FL

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Schedule

- 8:15 a.m. Registration
- 8:45 a.m. **Overview of Trial**
Robert C. Palmer, III, FLABOTA President
Trial Coordinators — Thomas D. Masterson
Joseph E. Brooks
William R. Clayton
Presiding Judge — The Honorable Patricia A. Seitz
- 9:00 a.m. **Opening Statements**
Plaintiff — Mark A. Avera, Gainesville, FL
Defense — Adele Blackmore, Fort Lauderdale, FL
- 9:45 a.m. **Examination of the Plaintiff**
Direct — Diana Santa Maria, Fort Lauderdale, FL
Cross — Francis E. Pierce, III, Orlando, FL
- 10:30 a.m. Refreshment Break
- 10:45 a.m. **Examination of Plaintiff's
Biomechanical Engineer / Physician**
Direct — Eugene K. Pettis, Fort Lauderdale, FL
Cross — Thomas E. Dukes, III, Orlando, FL
- 11:30 a.m. **Panel Discussion on Strategy and Technique**
- 11:45 a.m. **Ethics Lecture (lunch provided)**
Lewis R. Sifford, Dallas, TX
- 1:00 p.m. **Examination of Defendant**
Direct — Jeffrey M. Goodis, St. Petersburg, FL
Cross — Gerald F. Richman, West Palm Beach, FL
- 1:45 p.m. **Examination of Defense
Biomechanical Engineer / Physician**
Direct — John H. Richards, Ft. Lauderdale, FL
Cross — Herman J. Russomanno, Miami, FL
- 2:30 p.m. Refreshment Break
- 2:45 p.m. **Closing Arguments**
Plaintiff — Gary D. Fox, Miami, FL
Defense — Dennis R. O'Connor, Winter Park, FL
- 3:45 p.m. **Panel Discussion on Closing Arguments**
- 4:00 p.m. **Jury Deliberations**
(Shown live in the courtroom)
- 5:00 p.m. **Panel Discussion on Strategy and Technique**
- 5:15 p.m. Adjourn

www.abota.org

Register
online

Registration



Register online at
www.abota.org



Course materials will be
delivered via email.

Online registration closes at 4:00 p.m.
on Wednesday, July 15 (Central).

Tuition

\$345.00 PER REGISTRANT

\$295.00 PER REGISTRANT
FOR ABOTA MEMBERS

Discount

ABOTA members use code **ABOTA15**
to receive the discounted registration price
of \$295.00.

Refund Policy

Refunds will be given, less a \$40 administrative fee if
received in writing in the Foundation offices no later than
3:00 p.m. (Central) on July 10, 2015. Refunds are not
available for no-shows or cancellations after July 10, 2015.

All registrations must be pre-paid.

Program Location

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Speakers (subject to change)

Trial Coordinators

Joseph E. Brooks has trial experience in Pensacola, Tallahassee, Panama City, Appalachicola, Daytona Beach, Sarasota, Jacksonville, Ocala, and Gainesville, Florida. He has authored and co-authored many publications, including a chapter in *The Defense Speaks* entitled, "Direct Examination of Defendant's Damages Expert." Joseph is a member of the Florida Bar as well as all State Courts, all three Federal District Courts, the Eleventh Circuit Court of Appeals, and the U.S. Supreme Court. He was on the board of directors for the Florida Defense Lawyers Association and was president from 2010-2011. He was the chair of the Florida Bar Second Judicial Circuit Grievance Committee in 2012. He is the president elect of the Tallahassee Chapter of the American Board of Trial Advocates. He is on the Editorial Board for the *Trial Advocate Quarterly* and has regularly coached teams at the Florida State University's College of Law Mock Trial teams since 2011. Brooks Law is located in Tallahassee, Florida.

Thomas D. Masterson is a native of St. Petersburg, Florida. He earned his undergraduate degree from the University of South Florida in 1972 and his Doctorate of Jurisprudence, Magna Cum Laude, from South Texas College of Law in 1975. He has served as president of the Tampa Bay Chapter of ABOTA, President of the St. Petersburg Bar Association, and chair of the Professional Negligence Section of the American Association for Justice. Mr. Masterson concentrates his practice on medical malpractice, legal malpractice, personal injury and wrongful death claims. Mr. Masterson is the managing partner of Masterson, Hoag & Smith, P.A. in St. Petersburg, Florida.

William R. Clayton is a Principal Shareholder at Greenberg Traurig, P.A. in Fort Lauderdale. He maintains a national civil trial practice having tried more than 100 cases in state and federal courts. In 2015, Mr. Clayton was awarded "Trial Lawyer of the Year" by the Fort Lauderdale Chapter of the American Board of Trial Advocates (ABOTA). He focuses his practice in commercial litigation and is frequently retained as lead trial counsel by NYSE and NASDAQ companies (on both plaintiff and defense sides). He is Co-Chair of the Real Estate Litigation Practice Group for Greenberg Traurig. Mr. Clayton is a frequent national lecturer for Fortune 500 companies, national and international legal organizations, on the subjects of jury selection, closing argument, deposition preparation and current decision law. He has been the author of numerous articles and papers published nationally.

Ethics Speaker

Lewis R. Sifford was the 2007 national president of the American Board of Trial Advocates. He is the President and Shareholder of Sifford, Anderson & Co., P.C. in Dallas. He has tried more than 150 civil jury trials to verdict. He is a Fellow of the American College of Trial Lawyers and of Litigation Counsel of America. Mr. Sifford is also the recipient of the ABOTA Master's in Trial Award (1997), Texas Trial Lawyer of the Year (2000), and the highest honor that the ABOTA Foundation gives; The Mark P. Robinson Lifetime Achievement Award (2012). He has been designated as a "Super Lawyer" every year such designation has been granted. He is an accredited ethics speaker at trial colleges and legal education seminars.

Plaintiff Team

Mark A. Avera, a former law enforcement officer, has a history of service to the people of Florida. Before becoming a law partner at Avera & Smith in 1989 (then Avera & Avera), Mr. Avera served as a sheriff's deputy for Alachua County. Today, Mr. Avera serves as managing partner for Avera & Smith alongside his brother and law partner. Mr. Avera is a member of the Florida Justice Association and serves on their Board of Directors. His also serves on the Executive Council of the Trial Lawyers Section of the Florida Bar.

Gary D. Fox has, for the past 35 years, devoted his practice exclusively to the trial of civil cases in Florida. He specializes in the trial of products liability, medical malpractice, and wrongful death cases. Mr. Fox is a member of the Inner Circle of Advocates, an invitation-only group limited to the top 100 plaintiffs' trial lawyers in America. He was selected as Trial Lawyer of the Year by FLABOTA and has served as FLABOTA president, and president of the Miami Chapter of ABOTA. Mr. Fox is a member of the International Society of Barristers and the American Association for Justice, where he has served as chair of the Professional Negligence Section and on the Board of the National College of Advocacy (AAJ's educational arm). Mr. Fox has served by appointment of the Florida Supreme Court on the Florida Board of Bar Examiners and is past chair of the Rules of Judicial Administration Committee of the Florida Bar. He is a partner in the firm Stewart Tilghman Fox Bianchi & Cain, P.A., in Miami.

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Speakers, continued

Eugene K. Pettis, a co-founder of Haliczzer Pettis & Schwamm, focuses his practice in the areas of medical malpractice, personal injury, commercial litigation, professional liability and employment law. Mr. Pettis, in June 2013, was sworn in as President of The Florida Bar, becoming the first African-American to serve in this position. Mr. Pettis served on the University of Florida Foundation's board of directors for eight years and currently serves on the board of trustees at the University of Florida's Levin College of Law. He was a 2007 inductee to the exclusive invitation only American College of Trial Lawyers and elected by his peers into ABOTA. In January, 2013, he was recognized by his ABOTA Chapter as the Trial Lawyer of the Year in Ft. Lauderdale, FL. He is admitted to practice in all District Courts in Florida, including Southern District, Middle District and Northern District.

Gerald F. Richman is Board Certified by the Florida Bar in Civil Trial and Business Litigation, emphasizing antitrust, securities, contract, construction, corporate, banking, civil RICO, professional liability, civil rights, probate, real estate, election and constitutional law, mortgage foreclosure, land use, brokerage, and class action litigation, representing both plaintiffs and defendants. He is a National Board Representative of American Board of Trial Advocates, co-chair of the International Issues Committee of National ABOTA, vice president of FLABOTA, and past president of the Palm Beach Chapter of ABOTA. Mr. Richman is the recipient of the Masters in Trial Award and Joseph P. Milton Professionalism Award. He is a fellow of the American College of Trial Lawyers and the International Society of Barristers, former president of the Florida Bar and Dade County Bar Associations and past chair of the Florida Commission on Human Relations. Mr. Richman is the president of Richman Greer in West Palm Beach, Florida.

Herman J. Russomanno has 38 years of experience in personal injury/wrongful death, medical malpractice, class action, products liability, complex commercial litigation and multi-district litigation. He is a fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers and the International Society of Barristers. He is president of the Roscoe Pound Institute. Mr. Russomanno is a past president of the Florida Bar, the Florida Supreme Court Historical Society, the International Academy of Trial Lawyers, the Florida Board of Trial Advocates, the Miami Dade Justice Association, the Dade County Bar Association and Miami Chapter of ABOTA. He serves in the ABA House of Delegates, AAJ's Board of Governors and on the Board of the Florida Justice Association. Mr. Russomanno is a member of the ABA Ethics Commission 20/20 and was named Florida Trial Lawyer of the Year by ABOTA in 2001. He is a frequent lecturer at seminars for the American Bar Association, the Florida Bar, the National Business Institute, American Association for Justice, and the Florida Justice Association on trial practice, ethics, catastrophic injury litigation and complex commercial litigation. Mr. Russomanno is a partner in the firm Russomanno & Borrello, P.A. in Miami, Florida.

Diana Santa Maria has devoted her practice to the representation of persons injured as a result of the negligence of others. From 1985 until 1991 she practiced with one of the country's top personal injury law firms in the areas of plaintiff's personal injury, medical malpractice and wrongful death, both on the trial and appellate levels. In 1991, Ms. Santa Maria formed her own practice specializing in plaintiff's personal injury and wrongful death. She is a member of the American Board of Trial Advocates as well as the immediate past President of the Fort Lauderdale Chapter of ABOTA. She is a Sustaining Member of the American Association for Justice and a member of the National Trial Lawyers Association. She served a four year term as commissioner on the State of Florida Supreme Court Judicial Nominating Commission and she served as an adjunct Professor of Law at Nova Southeastern University Law Center. From 1996 – 2006 she served on the board of directors for the Florida Justice Association and the Broward Justice Association. Ms. Santa Maria was appointed by the Florida Bar and serves on the Florida Supreme Court's Commission on Professionalism. She was recently elected by her peers to the Florida Bar Board of Governors. The Law office of Diana Santa Maria is located in Pembroke Pines, Florida.

Defense Team

Adele Blackmore is the president of the Fort Lauderdale Chapter of ABOTA. A member of Nicholas J. Ryan & Associates, Employees of the Corporate Law Department of State Farm Insurance Company, Ms. Blackmore has extensive experience handling civil litigation for both defendants and plaintiffs. Before joining State Farm Insurance Company in 2010, Ms. Blackmore was in private practice for 16 years, concentrating on plaintiff personal injury actions. During that time, she also served as a mediator and a court-appointed arbitrator in circuit civil lawsuits in Broward County. Before entering private practice, Ms. Blackmore worked as a senior trial lawyer for GEICO and the Hartford Insurance Group.

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Speakers, continued

Thomas E. Dukes, III, concentrates his practice in the area of medical malpractice, although he has tried a wide variety of cases, including wrongful death, automobile negligence, civil fraud and civil negligence. Mr. Dukes is board certified as a civil trial lawyer by the Florida Bar, the National Board of Trial Advocacy and the American Board of Professional Liability Attorneys. He is also a member of the American Board of Trial Advocates. Mr. Dukes received the 1996-97 and 1999-2000 President's Award from the Florida Defense Lawyers Association for outstanding service to the organization and served as president in 2001 and 2002. He also served as the founding chairman of the Florida Liability Claims Institute, a statewide organization seeking to improve the working relationship between insurers and defense counsel. Mr. Dukes is a partner in the firm McEwan, Martinez, Dukes & Hall, P.A., in Orlando, Florida.

Jeffrey M. Goodis is a fellow of the American College of Trial Lawyers and a member of The American Board of Trial Advocates (ABOTA). He serves as president of the Tampa Chapter of ABOTA and is FLABOTA's Treasurer. Mr. Goodis' trial practice includes the successful defense of suits at the trial and appellate levels including personal injury, professional (medical, dental, legal, insurance, E&O) negligence and products liability claims. He concentrates his practice in the areas of medical/dental negligence defense, and the defense of allegedly catastrophic losses. Mr. Goodis has successfully defended catastrophic injury claims brought against various defendants in state and federal courts across the country. He is admitted to practice in all State Courts and the Federal Court for the Middle and Northern Districts of Florida. Mr. Goodis is a member of the Florida Defense Lawyers Association and the Defense Research Institute. Mr. Goodis is past chairman of the FDLA's Technology Committee and past Chairman of the St. Petersburg Bar Association's Trial Practice Section. Mr. Goodis is a partner in Goodis Thompson & Miller in St. Petersburg, Florida.

Dennis R. O'Connor is the founding partner in the law firm of O'Connor & O'Connor, LLC., in Winter Park, Florida. He has extensive trial experience having tried more than 225 cases during his 31-year career. Mr. O'Connor is a fellow of the American College of Trial Lawyers, a diplomate of ABOTA, and past president of the Central Florida Chapter of ABOTA. He has served on numerous Florida Bar Committees, including the Civil Procedure Rules Committee, the 9th Judicial Circuit Judicial Nomination Commission, and currently on the Executive Council of the Trial Lawyers Section of the Florida Bar. Mr. O'Connor represents clients in a broad range of lawsuits and disputes including personal injury, premises liability, professional liability, negligent security, products liability, wrongful death, automobile negligence, general and commercial litigation and government liability.

Francis E. Pierce, III, practices medical malpractice defense litigation, product liability defense litigation, including drugs and medical devices, estate and trust litigation, Federal Civil Rights litigation and other complex litigation in Orlando, Florida, with Mateer Harbert, P.A. He has participated in U.S. District Court Multi-District litigation involving Bendectin morning sickness drug, which developed *Daubert* and its progeny, state and federal court litigation involving Rely Tampon Toxic Shock Syndrome and Federal Court class action litigation involving human research and the adequacy of informed consent and Zyprexa Pharmaceutical Products Liability litigation. Mr. Pierce is a member of the American Board of Trial Advocates, the Association of Defense Trial Attorneys, the International Association of Defense Counsel, the Defense Research Institute and has had a leadership role in the Florida Defense Lawyers Association, including being elected president, to the board of directors and other elected officer service.

John H. Richards concentrates his practice in civil litigation, including premises liability, professional liability, negligent security, product liability, motor vehicle litigation of all types, representation of homeowners and condominium associations, insurance coverage disputes, first-party litigation, bad faith matters and general commercial litigation. While maintaining an active practice and trial schedule, he has continued to serve legal and bar organizations, including previously serving as a board member and president of the Florida Defense Lawyers Association. Mr. Richards has served as an officer of the Fort Lauderdale Chapter of ABOTA and currently serves as a member of the Florida Supreme Court Civil Jury Instruction Committee. Mr. Richards is a partner in the firm Boyd Richards Parker Colonnelli in Fort Lauderdale, Florida.

Robert C. Palmer, III, specializes in civil trial litigation. He has tried cases in both state and federal courts throughout Northwest Florida. For nearly 30 years he has represented a wide range of clients in claims and lawsuits involving products liability, construction defect, trucking, negligent security, premises liability, and chemical exposure. Mr. Palmer is a Florida Supreme Court Certified Circuit Civil Mediator. He has lectured at both local and state bar seminars and for several years has chaired the Florida Bar Advanced Trial Advocacy program, a five-day interactive seminar. Mr. Palmer is President of FLABOTA and is a partner in the firm Wade, Palmer & Shoemaker, P.A. in Pensacola, Florida.

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Comments from previous programs

"The finest CLE that could be presented"

"Outstanding speakers- well-prepared - excellent demonstration of trial skills."

"Wonderful program - a fine treat and a wealth of information."

"I was very pleased to be exposed to so many excellent trial attorneys."

"One of the best I have even attended on practical trial issues."

"Very good program, well worth the cost & time."

"I loved this program! I'd love to attend another!"

"Everything was great. Do it again."

"I learned much more seeing attorneys in action than I would have reading 2 - 3 books."

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